

**Appln No. 10/750,097**  
**Amdt date July 2, 2007**  
**Reply to Office action of January 30, 2007**

**REMARKS/ARGUMENTS**

In the Office action dated January 30, 2007, the Examiner requested affirmation of the election of the invention depicted in Figures 3A-3D including claims 1-8 and 11. Applicant hereby affirms this election.

As a preliminary matter, Applicant has amended the specification to exclude extraneous material. No new matter is added by this deletion.

Turning to the claim rejections, the Examiner rejected claims 1-8 and 11 under 35 U.S.C. §102(b) as allegedly anticipated by Koike, et al. (U.S. Patent No. 5,928,250). However, Applicant has amended independent claim 1 to recite that the distal tip of the elongated body has shape memory and automatically moves into a second configuration having a blunt distal surface facing the distal membrane. Koike fails to teach or suggest this limitation. Rather, Koike appears to disclose a catheter assembly including a piercing catheter that can be bent by a catheter-bending means connected to the piercing catheter. See Column 2, lines 30-58 and column 3, lines 47-67. As such, Koike fails to disclose a distal tip of the elongated body having shape memory and automatically moving into a second configuration having a blunt distal surface facing the distal membrane, as recited in independent claim 1. Accordingly, independent claim 1, and all claims dependent therefrom, including claims 2-8 and 11, are allowable over Koike.

Claims 1-8 and 11 remain pending in this application, with claims 9 and 10 being withdrawn from consideration. By this amendment, Applicant has amended claim 1. The amendments find full support in the original specification, claims and drawings. No new matter is presented. In light of the above amendments and remarks, Applicant submits that all of pending claims 1-8 and 11 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any

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remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By \_\_\_\_\_

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